

Mississippi Electronic Courts
Seventh Circuit Court District (Hinds Circuit Court - Jackson)
CIVIL DOCKET FOR CASE #: 25CI1:20-cv-00392-WLK

SOUTHERN v. MADISON COUNTY NURSING HOME et al
Assigned to: Winston L Kidd

Date Filed: 06/25/2020
Current Days Pending: 19
Total Case Age: 19
Jury Demand: None
Nature of Suit: 175 Other Torts

Upcoming Settings:

None Found

Plaintiff

ASHLEY SOUTHERN

represented by **Louis Hanner Watson, Jr.**
Watson & Norris, PLLC
Suite G
1880 Lakeland Drive
JACKSON, MS 39216
601-968-0000
Fax: 601-968-0010
Email: louis@watsonnorris.com
ATTORNEY TO BE NOTICED

Robert Nicholas Norris
Watson & Norris, PLLC
1880 lakeland drive
Suite G
JACKSON, MS 39216
601-968-0000
Fax: 601-968-0010
Email: nick@watsonnorris.com
ATTORNEY TO BE NOTICED

V.

Defendant

MADISON COUNTY NURSING HOME

Defendant

MADISON COUNTY MISSISSIPPI

Defendant

MELISSA CRUMP
INDIVIDUALLY

Date Filed	#	Docket Text
06/25/2020	<u>2</u>	COMPLAINT against MELISSA CRUMP, MADISON COUNTY MISSISSIPPI, MADISON COUNTY NURSING HOME, filed by ASHLEY SOUTHERN. (Attachments:

		# <u>1</u> Civil Cover Sheet,) (MG) (Entered: 06/25/2020)
06/25/2020	<u>3</u>	SUMMONS Issued to MELISSA CRUMP. (MG) (Entered: 06/25/2020)
06/25/2020	<u>4</u>	SUMMONS Issued to MADISON COUNTY MISSISSIPPI. (MG) (Entered: 06/25/2020)
06/25/2020	<u>5</u>	SUMMONS Issued to MADISON COUNTY NURSING HOME. (MG) (Entered: 06/25/2020)
06/25/2020	<u>6</u>	NOTICE of Appearance by Robert Nicholas Norris on behalf of ASHLEY SOUTHERN (Norris, Robert) (Entered: 06/25/2020)
07/14/2020	<u>7</u>	SUMMONS Returned Executed by ASHLEY SOUTHERN. MELISSA CRUMP served on 7/7/2020, answer due 8/6/2020. Service type: Personal (Watson, Louis) (Entered: 07/14/2020)
07/14/2020	<u>8</u>	SUMMONS Returned Executed by ASHLEY SOUTHERN. MADISON COUNTY NURSING HOME served on 7/7/2020, answer due 8/6/2020. Service type: Personal (Watson, Louis) (Entered: 07/14/2020)
07/14/2020	<u>9</u>	SUMMONS Returned Executed by ASHLEY SOUTHERN. MADISON COUNTY MISSISSIPPI served on 7/7/2020, answer due 8/6/2020. Service type: Personal (Watson, Louis) (Entered: 07/14/2020)

MEC Service Center			
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07/14/2020 08:49:15			
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MEC Login:	wj104285M	Client Code:	southern v. Madison County Nur
Description:	Docket Report	Search Criteria:	25CI1:20-cv-00392-WLK
Billable Pages:	2	Cost:	0.40

IN THE CIRCUIT COURT OF HINDS COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT

ASHLEY SOUTHERN

PLAINTIFF

v.

CASE NO.: 20-392

MADISON COUNTY NURSING HOME;
MADISON COUNTY, MISSISSIPPI; AND
MELISSA CRUMP, INDIVIDUALLY

DEFENDANTS

SUMMONS

TO: Melissa Crump, Individually
Madison County Nursing Home
1421 East Peace Street
Canton, Mississippi 39046

NOTICE TO DEFENDANTS

The Complaint which is attached to this summons is important and you must take immediate action to protect your rights.

You are required to mail or hand-deliver a copy of a written response to the Complaint to Watson & Norris, PLLC, 1880 Lakeland Drive, Suite G, Jackson, Mississippi 39216, the attorney for the Plaintiff. Your response must be mailed or delivered within thirty (30) days from the date of delivery of this Summons and Complaint or a judgment by default will be entered against you for the money or other things demanded in the Complaint.

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

ISSUED under my hand and the seal of said Court, this the 25 day of June 2020.



Honorable Zack Wallace
Circuit Clerk of Hinds County, MS

By: [Signature]

Deputy Clerk

**IN THE CIRCUIT COURT OF HINDS COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT**

ASHLEY SOUTHERN

PLAINTIFF

v.

CASE NO.: 20-392

**MADISON COUNTY NURSING HOME;
MADISON COUNTY, MISSISSIPPI; AND
MELISSA CRUMP, INDIVIDUALLY**

DEFENDANTS

**COMPLAINT
JURY TRIAL DEMANDED**

COMES NOW Plaintiff, Ashley Southern, by and through her counsel, Watson & Norris, PLLC, brings this action against Madison County Nursing Home, and Madison County, Mississippi, to recover damages for violations of her rights under the Family Medical Leave Act of 1993, 29 U.S.C. § 2601 *et seq.*, as amended, and against Defendant Melissa Crump, individually, for tortious interference with employment. As more specifically set forth below, Plaintiff has been subjected to FMLA interference in the terms and conditions of her employment with Defendants. The actions of the Defendants are in violation of the Family Medical Leave Act of 1993, 29 U.S.C. § 2601 *et seq.*, as amended. In support of this cause, Plaintiff would show unto the Court the following facts to-wit:

THE PARTIES

1. Plaintiff, Ashley Southern, is an adult resident citizen of Madison County, Mississippi. Plaintiff is an eligible employee as defined by the FMLA.
2. Defendant, Madison County Nursing Home, is a public nursing home facility providing 24-hour care to senior citizens and may be served with process through its

Administrator, Daniel Logan, 1421 East Peace Street, Canton, Mississippi 39046. Defendant was a joint employer of Plaintiff and is a covered employer under the FMLA.

3. Defendant, Madison County, Mississippi, may be served with process through: Gerald Steen, President of the Madison County Board of Supervisors, 125 West North Street, Canton, Mississippi 39046. Defendant was a joint employer of Plaintiff and is a covered employer under the FMLA.

4. Defendant, Melissa Crump, individually is an adult resident citizen of Hinds County, Mississippi and may be served with process at her place of employment: Madison County Nursing Home, 1421 East Peace Street, Canton, Mississippi 39046.

JURISDICTION AND VENUE

5. This action arises under the Family and Medical Leave Act of 1993, 29 U.S.C. § 2601 *et seq.*, as amended, and under Mississippi law.

6. This Court has concurrent question jurisdiction for actions that arise under the FMLA.

7. This Court has personal and subject matter jurisdiction over the Defendants and venue is proper in this Court.

STATEMENT OF FACTS

8. Plaintiff is a 34-year old resident of Madison County, Mississippi.

9. Plaintiff was hired as a Bookkeeper by the Defendant Madison County Nursing Home on July 29, 2019.

10. When Plaintiff was hired, Office Manager Melissa Crump assured Plaintiff that she would train Plaintiff on how to use Excel to perform the necessary bookkeeping tasks for her job.

11. However, within two to three weeks, Ms. Crump encouraged Plaintiff to obtain the necessary training on her own.

12. Ms. Crump told Plaintiff that she seemed to be catching on better than most previous bookkeepers and she felt Plaintiff could learn the needed skills without any training.

13. In September 2019, Plaintiff felt increasingly concerned that she was not catching on with Excel and that she needed the adequate training for the necessary bookkeeping tasks of her job.

14. Again, Plaintiff requested that Ms. Crump train her as she had given assurance she would when Plaintiff was first hired.

15. Once again, however, Ms. Crump demurred and suggested that Plaintiff look at examples from others to learn how to use the spreadsheet software.

16. After having requested that Ms. Crump provide the appropriate training on several occasions and being repeatedly denied, in December 2019 Plaintiff filed a grievance against Ms. Crump.

17. In February 2020, Plaintiff received a positive job performance.

18. Ms. Crump signed Plaintiff's performance evaluation and no mention of any alleged deficiency related to Excel was made.

19. In March 2020, schools and daycares were closed due to the Covid-19 pandemic.

20. As a result, Plaintiff was faced with the difficulty of how to take care of her young school age child and her child in daycare, since they would not be at school or daycare during the day.

21. Plaintiff spoke to Nursing Home Administrator, Daniel Logan, and requested that she be allowed to perform her job duties from home.

22. Mr. Logan, however, refused to grant permission for Plaintiff to work from home.

23. To take care of her school age kids, Plaintiff took time off from work March 16th to March 26, 2020.

24. On March 26, 2020, Plaintiff received an email from Mr. Logan informing her that she was terminated.

25. The stated reason for Plaintiff's termination cited Plaintiff's lack of skills using Excel to perform her bookkeeping tasks; however, the real reason was the fact that Plaintiff needed FMLA leave to care for her school age kids who were out of school due to the Covid-19 pandemic.

CAUSES OF ACTION

COUNT I: VIOLATIONS OF THE FMLA

26. Plaintiff alleges and incorporates all averments set forth in paragraphs 1 through 25 above as if fully incorporated herein.

27. The Defendants violated the FMLA by arbitrarily refusing to grant Plaintiff permission to work from home to which she was entitled under FMLA to care for her children due to school and child care provider being closed due to COVID-19.

28. Under the Families First Coronavirus Response Act (FFCRA), a bill passed by the U.S. House of Representatives on March 14, 2020, the Senate on March 18, 2020, and signed by President Trump on March 18, 2020, an employee qualifies for expanded family leave if the employee is caring for a son or daughter of such employee if the school

or place of care has been closed, or the child care provider is unavailable due to COVID-19 precautions.

29. The Defendants violated the FMLA by terminating Plaintiff's employment during the ongoing pandemic of the coronavirus disease of 2019 (COVID-19).

30. The Defendants unlawfully interfered with Plaintiff's employment agreement by terminating her just days before the FFCRA went into place.

**COUNT II: TORTIOUS INTERFERENCE WITH EMPLOYMENT AGAINST
DEFENDANT MELISSA CRUMP, INDIVIDUALLY**

31. Plaintiff re-alleges and incorporates all averments set forth in paragraphs through 30 above as if fully incorporated herein.

32. Plaintiff had an employment relationship with Defendants Madison County Nursing Home, and Madison County, Mississippi, and Defendant Melissa Crump was aware of Plaintiff's employment relationship with Defendants Madison County Nursing Home, and Madison County, Mississippi.

33. Defendant Melissa Crump's actions were malicious when she tortiously interfered in Plaintiff's employment relationship with Madison County Nursing Home, and Madison County, Mississippi.

34. As such, Plaintiff is seeking an award of compensatory damages in an amount to be determined by the jury to fully compensate her for Defendant Melissa Crump's actions in tortiously interfering with her employment relationship with Madison County Nursing Home, and Madison County, Mississippi.

35. In addition, Defendant Melissa Crump's actions were done maliciously with the intent to cause Plaintiff professional and personal injury.

36. As such, Plaintiff is entitled to an award of punitive damages against

Defendant Melissa Crump, individually, in an amount to be determined by the jury.

PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully prays that the Court cause service to issue in this cause upon the Defendants and that this matter be set for trial. Upon trial by jury thereon, Plaintiff prays that the following relief be granted:

1. Back wages;
2. Reinstatement or front pay in lieu of reinstatement;
3. Lost benefits and other pecuniary losses;
4. Liquidated damages;
5. Compensatory damages;
6. Punitive damages;
7. All costs, disbursements, pre-judgment interest, post-judgment interest, expert witness fees, and reasonable attorney's fees allowed under the FMLA and Mississippi law; and
8. Such further relief as is deemed just and proper.

THIS the 24th day of June 2020.

Respectfully submitted,

ASHLEY SOUTHERN, PLAINTIFF

By: /s Louis H. Watson, Jr.
LOUIS H. WATSON, JR. (MB# 9053)
NICK NORRIS (MB# 101574)
Attorneys for Plaintiff

OF COUNSEL:

WATSON & NORRIS, PLLC
1880 Lakeland Drive, Suite G
Jackson, Mississippi 39216
Telephone: (601) 968-0000
Facsimile: (601) 968-0010
louis@watsonnorris.com
nick@watsonnorris.com

IN THE CIRCUIT COURT OF HINDS COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT

ASHLEY SOUTHERN

PLAINTIFF

v.

CASE NO.: 20-392

MADISON COUNTY NURSING HOME;
MADISON COUNTY, MISSISSIPPI; AND
MELISSA CRUMP, INDIVIDUALLY

DEFENDANTS

SUMMONS

TO: Melissa Crump, Individually
Madison County Nursing Home
1421 East Peace Street
Canton, Mississippi 39046

NOTICE TO DEFENDANTS

The Complaint which is attached to this summons is important and you must take immediate action to protect your rights.

You are required to mail or hand-deliver a copy of a written response to the Complaint to Watson & Norris, PLLC, 1880 Lakeland Drive, Suite G, Jackson, Mississippi 39216, the attorney for the Plaintiff. Your response must be mailed or delivered within thirty (30) days from the date of delivery of this Summons and Complaint or a judgment by default will be entered against you for the money or other things demanded in the Complaint.

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ISSUED under my hand and the seal of said Court, this the 25 day of June 2020.



Honorable Zack Wallace
Circuit Clerk of Hinds County, MS

[Signature]
Deputy Clerk

IN THE CIRCUIT COURT OF HINDS COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT

ASHLEY SOUTHERN

PLAINTIFF

v.

CASE NO.: 20-392

MADISON COUNTY NURSING HOME;
MADISON COUNTY, MISSISSIPPI; AND
MELISSA CRUMP, INDIVIDUALLY

DEFENDANTS

SUMMONS

TO: Madison County, Mississippi
Gerald Steen, President of the Madison County Board of Supervisors
125 West North Street
Canton, Mississippi 39046

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Honorable Zack Wallace
Circuit Clerk of Hinds County, MS

By: [Signature]
Deputy Clerk

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SUMMONS

TO: Madison County Nursing Home
Administrator, Daniel Logan
1421 East Peace Street
Canton, Mississippi 39046

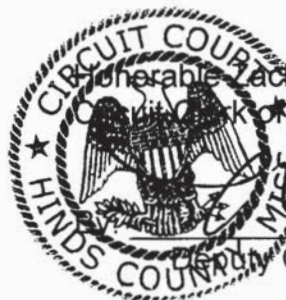
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Honorable Zack Wallace
Clerk of Hinds County, MS

[Signature]
Clerk

**IN THE CIRCUIT COURT OF HINDS COUNTY, MISSISSIPPI
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ASHLEY SOUTHERN

PLAINTIFF

v.

CASE NO.: 20-392

**MADISON COUNTY NURSING HOME;
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DEFENDANTS

NOTICE OF APPEARANCE

COMES NOW, Nick Norris, WATSON & NORRIS, PLLC, 1880 Lakeland Drive, Suite G, Jackson, MS 39216, (601) 968-0000, and gives notice of his appearance as counsel for Plaintiff.

THIS, the 25th day of June 2020.

Respectfully submitted,

/s Nick Norris.
NICK NORRIS (MSB#101574)
Attorney for Plaintiff

OF COUNSEL:

WATSON & NORRIS, PLLC
1880 Lakeland Drive, Suite G
Jackson, MS 39216
Phone: (601) 968-0000
Facsimile: (601) 968-0010
nick@watsonnorriss.com

CERTIFICATE OF SERVICE

I, Nick Norris, attorney for Plaintiff do hereby certify that I have this day filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing or mailed, via United States Mail, postage prepaid, on all counsel of record.

THIS, the 25th day of June 2020.

/s/Nick Norris
NICK NORRIS

IN THE CIRCUIT COURT OF HINDS COUNTY, MISSISSIPPI
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1421 East Peace Street
Canton, Mississippi 39046

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ISSUED under my hand and the seal of said Court, this 25 day of June
2020.



Honorable Zack Wallace
Circuit Clerk of Hinds County, MS

[Signature]
Deputy Clerk

RETURN OF PROCESS SERVER

STATE OF MISSISSIPPI

COUNTY OF Hinds

(X) I personally delivered copies of the summons on the 7th day of July, 2020, to: Melissa Crump who is designated by law to accept service of process on behalf of _____

() After exercising reasonable diligence I was unable to deliver copies of the summons to _____ within _____ County, _____. I served the summons on the _____ day of _____, 20____, at the usual place of abode of said _____ by leaving a true copy of the summons with _____, who is the _____ (here insert wife, husband, son, daughter or other person as the case may be), a member of the family of the person served, above the age of sixteen years and, unwilling to receive the summons, and thereafter on the _____ day of _____, 20____, I mailed (by first class mail, postage prepaid) copies to the person served at his or her usual place of abode where the copies were left.

() I was unable to serve the summons.

This the 7th day of July, 2020.

Maryland [Signature]
PROCESS SERVER

RETURN TO:

WATSON & NORRIS, PLLC
1880 Lakeland Drive, Suite G
Jackson, MS 39216-4972

IN THE CIRCUIT COURT OF HINDS COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT

ASHLEY SOUTHERN

PLAINTIFF

v.

CASE NO.: 20-392

MADISON COUNTY NURSING HOME;
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DEFENDANTS

SUMMONS

TO: Madison County Nursing Home
Administrator, Daniel Logan
1421 East Peace Street
Canton, Mississippi 39046

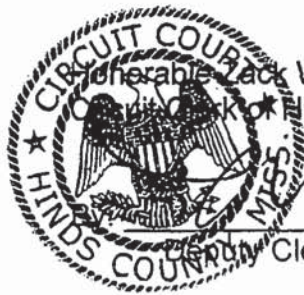
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ISSUED under my hand and the seal of said Court, this the 25 day of June, 2020.



Clerk

RETURN OF PROCESS SERVER

STATE OF MISSISSIPPI

COUNTY OF Hinds

- (X) I personally delivered copies of the summons on the 7th day of July, 2020, to: Daniel Lopez who is designated by law to accept service of process on behalf of Madison County Nursing Home
- () After exercising reasonable diligence I was unable to deliver copies of the summons to _____ within _____ County, _____. I served the summons on the _____ day of _____, 20____, at the usual place of abode of said _____ by leaving a true copy of the summons with _____, who is the _____ (here insert wife, husband, son, daughter or other person as the case may be), a member of the family of the person served, above the age of sixteen years and, unwilling to receive the summons, and thereafter on the _____ day of _____, 20____, I mailed (by first class mail, postage prepaid) copies to the person served at his or her usual place of abode where the copies were left.
- () I was unable to serve the summons.

This the 7th day of July, 2020.

May Ann Deane
PROCESS SERVER

RETURN TO:

WATSON & NORRIS, PLLC
1880 Lakeland Drive, Suite G
Jackson, MS 39216-4972

**IN THE CIRCUIT COURT OF HINDS COUNTY, MISSISSIPPI
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ASHLEY SOUTHERN

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SUMMONS

TO: Madison County, Mississippi
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2020.



Honorable Zack Wallace
Circuit Clerk of Hinds County, MS

By: _____

Deputy Clerk

RETURN OF PROCESS SERVER

STATE OF MISSISSIPPI

COUNTY OF Hinds

(X) I personally delivered copies of the summons on the 7th day of July, 2020, to: Cornie Horn on behalf of Gerald Steen who is designated by law to accept service of process on behalf of Madison County, Mississippi

() After exercising reasonable diligence I was unable to deliver copies of the summons to _____ within _____ County, _____. I served the summons on the _____ day of _____, 20____, at the usual place of abode of said _____ by leaving a true copy of the summons with _____, who is the _____ (here insert wife, husband, son, daughter or other person as the case may be), a member of the family of the person served, above the age of sixteen years and, unwilling to receive the summons, and thereafter on the _____ day of _____, 20____, I mailed (by first class mail, postage prepaid) copies to the person served at his or her usual place of abode where the copies were left.

() I was unable to serve the summons.

This the 7th day of July, 2020.

Mary Ann Stearns
PROCESS SERVER

RETURN TO:

WATSON & NORRIS, PLLC
1880 Lakeland Drive, Suite G
Jackson, MS 39216-4972